

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Patricia Crumley, on behalf of)	
Herself and all others similarly)	
situated,)	
)	
Plaintiff,)	
)	Court File No. 07-cv-3946 (JNE/JJG)
v.)	
)	
Time Warner Cable, Inc.)	
a division of Time Warner)	
Entertainment Company, Inc.)	
)	
Defendant.)	

DECLARATION OF EFRAIM J. DONATO

1. My name is Efraim J. Donato. I am more than 18 years of age and competent in all respects to testify to the matters set forth herein. I have personal knowledge of the matters set forth herein.
2. I am currently employed as an Account Manager in the Client Relations Group at CSG Systems, Inc. ("CSG"). I previously worked for Comtec Incorporated ("Comtec") prior to CSG's acquisition of Comtec in June 2007. I have worked for Comtec, now known as CSG, for two years.
3. CSG provides outsourced billing, customer care and print and mail solutions in a variety of different markets and for different companies, including cable companies.
4. On January 9, 2006, Comtec executed an Insert Authorization Form with Time Warner Cable ("TWC") in Minneapolis, Minnesota to ensure that TWC's Residential Services Subscriber Agreement ("Booklet") would be included with all TWC

customer invoices for bills sent to Minneapolis area customers from January 22, 2006 through February 22, 2006. A true and correct copy of the Insert Authorization Form is attached hereto as Exhibit A.

5. The Insert Authorization Form specifies the type of insert to be included with the future customer bills for a specific period of time. Here, the Insert Authorization Form specified that TWC's Residential Services Subscriber Agreement should be included in TWC customer monthly bills from January 22, 2006 until February 22, 2006.

6. TWC also sent to Comtec all of the information or data for TWC customer bills, such as the customer's name, the billing amount, the billing address and other pertinent information to be included in the TWC customer's monthly bill.

7. Comtec employed a variety of processes and procedures to guarantee that TWC's insert was mailed as indicated in the Insert Authorization Form.

8. Initially, Comtec confirmed receipt of the shipment of Booklets sent by TWC as specified in the Insert Authorization Form in January 2006. Once Comtec received the shipment of Booklets from TWC, the Booklet inserts to be provided in the customer mailings were grouped together and stored at Comtec's facility. The Booklet inserts are then marked with TWC's name, a special three digit identifying code (RS1), the total quantity received (all of the Booklets sent by TWC to Comtec), as well as the weight and thickness of each Booklet insert.

9. Comtec then "opened a ticket" for the Booklet insert, which provided all of the identifying information for the insert, including TWC's name, the RS1 code, the total quantity of booklets received from TWC, and the weight and thickness of each Booklet insert. This information is stored in Comtec's computer system.

10. Following this procedure, Comtec began including the inserts in the TWC customer mailings on January 20, 2006.

11. Specifically, Comtec processed and printed TWC customer's monthly bills using the customer data sent by TWC at the same time that Comtec included the Booklet inserts in the mailings. The information TWC provided to Comtec for each TWC customer included whether the customer should receive a copy of the Booklet insert. If the monthly bill information processed and printed by Comtec for a particular TWC customer contained the identifying code assigned to the shipment of Booklets, RS1, then the Booklet was included in the TWC customer's bill.

12. The presence of the RS1 code in the customer monthly bill information confirms that the Booklet insert was included in TWC's customer bills.

13. Attached hereto as Exhibit B is a copy of a bill that is representative of a customer bill that contained TWC's Residential Services Subscriber Agreement Booklet. The fact that TWC's Booklet was included with the bill is reflected by the RS1 code present on the bill, and located on the first page, beneath the customer's name and address.

I declare under penalty of perjury that the foregoing is true and correct to the best of my current knowledge and belief.

Executed on November, ____ 2007 at Fairfield, New Jersey.

/s Efraim J. Donato
Efraim J. Donato